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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/650,896	08/28/2003	Carolyn A. Zacks	85649RRS	8692
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Milton S. Sales Patent Legal Staff Eastman Kodak Company 343 State Street Rochester, NY 14650-2201			PIZIALI, JEFFREY J	
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/650,896	ZACKS ET AL.	
	Examiner	Art Unit	
	Jeff Piziali	2629	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) Responsive to communication(s) filed on 12/3/08, 6/17/08, 8/2/07, and 12/4/06.

2a) This action is **FINAL**. 2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) Claim(s) 1-5,8-19,21-23,26-32,35-38,41,46-55,57-64 and 66-70 is/are pending in the application.

4a) Of the above claim(s) 31,32,35-38,41,46-55,57-64 and 66-70 is/are withdrawn from consideration.

5) Claim(s) _____ is/are allowed.

6) Claim(s) 1-5,8-19,21-23 and 26-30 is/are rejected.

7) Claim(s) _____ is/are objected to.

8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on 02 August 2007 is/are: a) accepted or b) objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All b) Some * c) None of:

1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. _____.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) <input type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date. _____ .
3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)	5) <input type="checkbox"/> Notice of Informal Patent Application
Paper No(s)/Mail Date _____ .	6) <input type="checkbox"/> Other: _____ .

DETAILED ACTION

Election/Restrictions

1. *Applicant's election without traverse of Group I (claims 1-5, 8-19, 21-23, and 26-30) in the reply filed on 3 December 2008 is acknowledged and appreciated.*
2. *Claims 31, 32, 35-38, 41, 46-55, 57-64, and 66-70 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected invention, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on 3 December 2008.*
3. *Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).*

Drawings

4. *The drawings were received on 2 August 2007. These drawings are acceptable.*

5. The drawings have not been checked to the extent necessary to determine the presence of all possible minor errors. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the figures.

Specification

6. The specification has not been checked to the extent necessary to determine the presence of all possible minor errors. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification.

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

9. Claims 1-5, 8-19, 21-23, and 26-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Needham et al (US 5,963,371 A)** in view of **Atick et al (US 6,111,517 A)**.

Regarding claim 1, **Needham** discloses a method for operating a display capable of presenting content within a presentation space [*Fig. 5; 30*] the method comprising the steps of: defining a viewing space [*Fig. 5; 33*] comprising less than all of the presentation space and including the location of the person [*Fig. 5; A*]; and presenting content so that the presented content is discernable only within the viewing space (*see Column 3, Line 50 - Column 4, Line 4*).

Needham does not expressly teach locating a person in the presentation space.

However, **Atick** does disclose locating a person in a display presentation space (*see Column 3, Line 61 - Column 4, Line 2*).

Needham and **Atick** are analogous art, because they are both from the shared field of regulating/restricting private display data so that only authorized individuals are granted visual access.

Therefore, it would have been obvious to one having ordinary skill in the art at the time of invention to use **Atick's** person locating system with **Needham's** method for operating a display, so as to provide an additional layer of security for preventing unauthorized individuals from gaining visual access to inappropriate private data.

Regarding claim 2, **Atick** discloses detecting changes in the location of the person during presentation of the content (*see Column 6, Lines 32-37*).

And **Needham** discloses changing the viewing space so that the viewing space follows the location of the person (*see Column 2, Line 54 - Column 3, Line 5*).

Regarding claim 3, **Needham** discloses the viewing space is limited to a space that is no less than the eye separation of eyes of the person (*see Fig. 5; Column 3, Line 50 - Column 4, Line 4*).

Regarding claim 4, **Atick** discloses the viewing space is defined in part based upon a shoulder width of the person (*see Column 8, Lines 8-23*).

Regarding claim 5, **Needham** discloses the viewing space is defined at least in part by at least one of a near viewing distance comprising a minimum separation from the display at which the person can discern the content presented to the viewing space and a far viewing distance comprising a maximum distance from the display at which a person can discern content presented to the viewing space (*see Fig. 5; Column 4, Lines 5-17*).

Regarding claim 8, **Needham** discloses using the display to present content in the form of patterns of emitted light and directing the content so that the content can be discerned only in the viewing space (*see Fig. 5; Column 3, Line 50 - Column 4, Line 17*).

Regarding claim 9, **Atick** discloses detecting at least one additional person in the presentation space (*see Column 8, Lines 8-23*).

And **Needham** discloses defining an additional viewing space for each additional person and presenting the content to each viewing space (*see Fig. 5; Column 2, Line 54 - Column 3, Line 18*).

Regarding claim 10, **Atick** discloses detecting movement of a detected person outside of the presentation space during presentation of the content and automatically suspending presentation of the content to a viewing space for that person (*see Column 8, Lines 8-23*).

Regarding claim 11, **Atick** discloses presenting audio content directed to the viewing space (*see Column 10, Lines 36-56*).

Regarding claim 12, **Needham** discloses the viewing space is less than all of a vertical portion of the presentation space (*see Fig. 5; Column 3, Line 50 - Column 4, Line 4*).

Regarding claim 13, **Needham** discloses the viewing space is less than all of a horizontal portion of the presentation space (*see Fig. 5; Column 3, Line 50 - Column 4, Line 4*).

Regarding claim 14, this claim is rejected by the reasoning applied in rejecting claims 1 and 9; furthermore, **Atick** discloses detecting people in a presentation space within which content presented by the display can be observed; and identifying people in the presentation space who are authorized to observe the content (*see Fig. 3A; Column 3, Line 49 - Column 4, Line 2*).

Regarding claim 15, **Atick** discloses classifying each detected person in determining whether each detected person is authorized to observe the content, based upon the classification for that person (see *Fig. 3A; Column 5, Line 54 - Column 6, Line 37*).

Regarding claim 16, **Atick** discloses identifying each detected person and using the identity of the person to determine whether the person is authorized to observe the content (see *Fig. 3A; Column 5, Line 54 - Column 6, Line 37*).

Regarding claim 17, **Atick** discloses determining a profile for each person and using the profile for each person to determine whether the person is authorized to observe the content (see *Fig. 3A; Column 5, Line 54 - Column 6, Line 37*).

Regarding claim 18, **Atick** discloses determining a profile for the content and wherein the step of using the profile for each person to determine whether the person is authorized to observe the content comprises comparing the profile for each person to the profile for the content (see *Fig. 3A; Column 5, Line 54 - Column 6, Line 37*).

Regarding claim 19, **Atick** discloses monitoring the display space during presentation of the content to detect whether more than one person enters a common viewing space, combining the profiles of each person in the common viewing space and determining whether to present content to the common viewing space based upon the combined profiles of the viewers and the profile of the content (see *Column 8, Lines 8-23*).

Regarding claim 21, **Atick** discloses the personal profiles contain viewing privileges, and the content profile contains access privileges wherein the step combining viewing privileges are combined in a subtractive manner and the presentation of the content is adjusted based upon the combined viewing privileges and the access privileges (*see Column 8, Lines 8-23*).

Regarding claim 22, **Atick** discloses the content profile contains viewing privileges associated with particular portions of the content and wherein display of particular portions of the content to the common presentation space is adjusted based upon the personal profiles of the persons in the common viewing space and the viewing privileges of associated with those particular portions (*see Fig. 3A; Column 5, Line 54 - Column 6, Line 37*).

Regarding claim 23, **Atick** discloses detecting people in the presentation space comprises capturing an image of the presentation space and analyzing the image to detect the people (*see Column 3, Line 61 - Column 4, Line 2*).

Regarding claim 26, this claim is rejected by the reasoning applied in rejecting claim 1; furthermore, **Needham** discloses selecting one of a general display mode and a restricted display mode (*see Column 2, Line 54 - Column 3, Line 5*).

Regarding claim 27, **Needham** discloses selecting a mode based upon analysis of the content (*see Column 2, Line 54 - Column 3, Line 5*).

Regarding claim 28, **Needham** discloses selecting a mode based upon a personal profile (see Column 2, Line 54 - Column 3, Line 5).

Regarding claim 29, **Needham** discloses selecting a mode based upon the content of a scene (see Column 2, Line 54 - Column 3, Line 5).

Regarding claim 30, this claim is rejected by the reasoning applied in rejecting claims 1, 9, and 14; furthermore, **Atick** discloses determining access privileges for a person to observe the content; operating the display in a first mode wherein the content is displayed to the presentation space when the access privileges are within a first range of access privileges; and operating the display in a second mode when the access privileges are within a second range of access privileges wherein during the second mode (see Column 8, Lines 8-23).

Response to Arguments

10. Applicant's arguments filed 4 December 2006 have been fully considered but they are not persuasive.

The Applicant contends, "**Needham et al.** is in a related field, in that the disclosed apparatus restricts certain content of a displayed image to a particular user. In **Needham et al.** the restriction is not carried out by limiting the viewing space to a portion of the entire

presentation space (as in the present invention), but rather by coordinating the image with a special set of glasses worn by the intended viewer. In effect, the image is coded, and the glasses decode the image for the wearer. The image is presented to the entire presentation space of the monitor, and is not restricted to a particular portion thereof (i.e., to a viewing space within the presentation space). Thus, Needham et al. disclosed neither the ability to detect the location of the intended person nor the ability to reduce the viewing space to the detected location" (see

Page 18 of the Response filed 4 December 2006). However, the examiner respectfully disagrees.

Needham discloses a method for operating a display [e.g., Fig. 5; display device 30] capable of presenting content [e.g., Fig. 5; images for persons A & B] within a presentation space [e.g., the room/area/space from which display device 30 is visible] the method comprising the steps of:

defining a viewing space [e.g., Fig. 5; the viewing space behind vertically oriented and polarized lenses 33] comprising less than all of the presentation space [e.g., Fig. 5; not comprising at least the viewing space behind horizontally oriented and polarized lenses 35] and including the location of the person [e.g., Fig. 5; the viewing space being defined to include person A]; and

presenting content [e.g., Fig. 5; images for person A] so that the presented content is discernable [e.g., viewable] only within the viewing space [e.g., wherein person B's glasses 35 block the images for person A] (see the entire document, including Column 3, Line 50 - Column 4, Line 4).

In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., "limiting the viewing space to a portion of the entire presentation space," "not restricted to a particular portion thereof (i.e., to a viewing space within the presentation space)," "detect the location of the intended person," or "reduce the viewing space to the detected location") are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

In response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

Needham does not expressly teach locating a person in the presentation space. However, **Atick** does disclose locating a person in a display presentation space (see *Column 3, Line 61 - Column 4, Line 2*).

The Applicant contends, "*The Examiner refers to **Needham et al.**'s FIG. 5A as teaching 'defining a viewing space...comprising less than all of the presentation space,' but Applicant's attorney fails to find such a teaching in that figure or elsewhere in the **Needham et al.** disclosure. FIG. 5A merely shows that the special glasses are polarized so as to pass only cooperatively-polarized image content. There is no disclosure of differently sized presentation*

and viewing spaces" (see Page 18 of the Response filed 4 December 2006). However, the examiner respectfully disagrees.

In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., "differently sized presentation and viewing spaces") are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Needham discloses defining a viewing space [e.g., *Fig. 5; the viewing space behind vertically oriented and polarized lenses 33*] comprising less than all of the presentation space [e.g., *Fig. 5; not comprising at least the viewing space behind horizontally oriented and polarized lenses 35*] (see the entire document, including Column 3, Line 50 - Column 4, Line 4).

The Applicant contends, "The primary reference fails to disclose defining a viewing space comprising less than all of the presentation space. The secondary reference fails to disclose, in conceptual terms, the information undisclosed by the primary reference" (see Page 19 of the Response filed 4 December 2006). However, the examiner respectfully disagrees.

Needham discloses defining a viewing space [e.g., *Fig. 5; the viewing space behind vertically oriented and polarized lenses 33*] comprising less than all of the presentation space [e.g., *Fig. 5; not comprising at least the viewing space behind horizontally oriented and polarized lenses 35*] (see the entire document, including Column 3, Line 50 - Column 4, Line 4).

In response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

Needham does not expressly teach locating a person in the presentation space. However, **Atick** does disclose locating a person in a display presentation space (see Column 3, Line 61 - Column 4, Line 2).

The Applicant contends, "**Needham et al.** do not disclose changing the viewing space to follow the location of the viewer" (see Page 19 of the Response filed 4 December 2006). However, the examiner respectfully disagrees.

In response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

Atick discloses detecting changes in the location of the person during presentation of the content (*see Column 6, Lines 32-37*).

And **Needham** discloses changing the viewing space so that the viewing space follows the location of the person (*see Column 2, Line 54 - Column 3, Line 5 -- wherein person A wears glasses 33, so when person A moves around the presentation space so too does the location of viewing space behind the glasses move accordingly*).

The Applicant contends, "**Atick et al.** do not disclose defining the viewing space based on the width of a person's shoulders. Rather, the reference detects a second person that might be unauthorized, and warns the viewer of that person's presence" (see Page 19 of the Response filed 4 December 2006). However, the examiner respectfully disagrees.

Atick discloses the viewing space is defined in part based upon a shoulder width of the person (*see the entire document, including Column 8, Lines 8-23*). **Atick** teaches searching for the presence of individual people (who each possess shoulders, defining a shoulder width). Defining the viewing space to include an individual person/viewer will necessarily include that person's/viewer's shoulders.

The Applicant contends, "applicant's attorney finds no disclosure in FIG. 5 or the cited passage of **Needham et al.** relating to defining a viewing by the distance from the display" (see Page 19 of the Response filed 4 December 2006). However, the examiner respectfully disagrees.

Needham discloses a method for operating a display [e.g., *Fig. 5; display device 30*] capable of presenting content [e.g., *Fig. 5; images for persons A & B*] within a presentation space [e.g., *the room/area/space from which display device 30 is visible*], wherein the viewing space is defined at least in part by at least one of a near viewing distance comprising a minimum separation from the display at which the person can discern the content presented to the viewing space and a far viewing distance comprising a maximum distance from the display at which a person can discern content presented to the viewing space (see *Fig. 5; Column 4, Lines 5-17*).

If person A is too near or far to "discern" or see the displayed content [e.g., *Fig. 5; images on display device 30*], then the person has left the boundaries of the presentation space [e.g., *the room/area/space from which display device 30 is visible*].

The Applicant contends, "**Needham et al.** does not disclose the ability to form light patterns so that the content can be discerned only in the viewing space. Although the light emitted from the **Needham et al.** display may be patterned, it is available for viewing throughout the presentation space" (see Page 19 of the Response filed 4 December 2006). However, the examiner respectfully disagrees.

Needham discloses using the display [e.g., *Fig. 5; display device 30*] to present content [e.g., *Fig. 5; images for person A*] in the form of patterns of emitted light and directing the content so that the content can be discerned [e.g., *viewable*] only in the viewing space [e.g., *wherein person B's glasses 35 block the images for person A*] (see *Fig. 5; Column 3, Line 50 - Column 4, Line 17*).

The Applicant contends, "*Neither reference discloses defining more than one viewing space*" (see Page 19 of the Response filed 4 December 2006). However, the examiner respectfully disagrees.

Needham discloses defining an additional viewing space [e.g., *Fig. 5; the viewing space behind horizontally oriented and polarized lenses 35*] for each additional person [e.g., *Fig. 5; person B*] and presenting the content [e.g., *Fig. 5; via display device 30*] to each viewing space (see *Fig. 5; Column 2, Line 54 - Column 3, Line 18*).

The Applicant contends, "*Needham et al. does not disclose restricting the viewing space to less than the presentation space; either vertically as set forth in Claim 12 or horizontally as set forth in Claim 13*" (see Page 20 of the Response filed 4 December 2006). However, the examiner respectfully disagrees.

Needham discloses the viewing space [e.g., *Fig. 5; the viewing space behind vertically oriented and polarized lenses 33*] is less than all of a vertical portion [e.g., *Fig. 5; not comprising at least the three dimensional viewing space behind horizontally oriented and polarized lenses 35*] of the presentation space [e.g., *the room/area/space from which display device 30 is visible*] (see *Fig. 5; Column 3, Line 50 - Column 4, Line 4*).

Needham discloses the viewing space [e.g., *Fig. 5; the viewing space behind vertically oriented and polarized lenses 33*] is less than all of a horizontal portion [e.g., *Fig. 5; not comprising at least the three dimensional viewing space behind horizontally oriented and polarized lenses 35*] of the presentation space [e.g., *the room/area/space from which display device 30 is visible*] (see *Fig. 5; Column 3, Line 50 - Column 4, Line 4*).

The Applicant contends, "Examiner states that **Atick et al.** teaches combining profiles of persons in a common viewing space. Col. 8, lines 8- 23 are referenced. Applicants' attorney is unable to find this technology in the referenced passage" (see Page 20 of the Response filed 4 December 2006). However, the examiner respectfully disagrees.

Atick discloses monitoring [e.g., *Fig. 1: via field of view of video camera 150*] the display space during presentation of the content to detect whether more than one person [e.g., *an authorized individual and additional individuals*] enters a common viewing space [e.g., *the field of view of the video camera*], combining the profiles [e.g., *authorized or unauthorized*] of each person in the common viewing space and determining whether to present content [e.g., *disabling the screen or printing a warning message*] to the common viewing space based upon the combined profiles of the viewers and the profile of the content (see *Column 8, Lines 8-23*).

The Applicant contends, "the Examiner states that **Atick et al.** discloses combining viewer profiles in a subtractive manner as set forth in Claim 21, but the reference does not teach

that either" (see Page 20 of the Response filed 4 December 2006). However, the examiner respectfully disagrees.

Atick discloses the personal profiles contain viewing privileges [e.g., *authorized or unauthorized*], and the content profile contains access privileges [e.g., *granting or revoking access*] wherein the step combining viewing privileges are combined in a subtractive manner [e.g., *combining authorized and unauthorized individuals results in a subtraction of viewing privileges*] and the presentation of the content is adjusted [e.g., *disabling screen access*] based upon the combined viewing privileges and the access privileges (see *Column 8, Lines 8-23*).

The Applicant contends, "*the Examiner states that **Needham et al.** selects a mode based on an analysis of the content; but **Needham et al.** contains nothing about analyzing image content*" (see Page 20 of the Response filed 4 December 2006). However, the examiner respectfully disagrees.

Needham discloses selecting a mode [e.g., *display components visible or not visible to Person A and/or Person B*] based upon analysis of the content [e.g., *Figs. 2-3: public information 14 or private information 10 -- combined with time-multiplexing or color-mixing the images*] (see *Column 2, Line 54 - Column 3, Line 5*).

The Applicant contends, "*Nor does Needham et al. disclose selecting a mode based on a personal profile*" (see Page 20 of the Response filed 4 December 2006). However, the examiner respectfully disagrees.

Needham discloses selecting a mode [e.g., *display components visible or not visible to Person A and/or Person B*] based upon a personal profile [e.g., *Person A and Person B wearing the appropriate polarizing glasses 33 and 35*] (see *Column 2, Line 54 - Column 3, Line 5*).

By such reasoning, rejection of the claims is deemed necessary, proper, and thereby maintained at this time.

Conclusion

11. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jeff Piziali whose telephone number is (571) 272-7678. The examiner can normally be reached on Monday - Friday (6:30AM - 3PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chanh Nguyen can be reached on (571) 272-7772. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Jeff Piziali/
Primary Examiner, Art Unit 2629
27 February 2009